



Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss.

**COMMISSION ADJUDICATORY
DOCKET NO. 577**

**IN THE MATTER
OF
PAULIN J. BUKOWSKI**

DISPOSITION AGREEMENT

The State Ethics Commission ("Commission") and Paulin J. Bukowski ("Bukowski") enter into this Disposition Agreement ("Agreement") pursuant to Section 5 of the Commission's Enforcement Procedures. This Agreement constitutes a consented to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, §4(j).

On October 16, 1997, the Commission initiated, pursuant to G.L. c. 268B, §4(j), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Bukowski. The Commission has conducted its inquiry and, on September 23, 1998, found reasonable cause to believe that Bukowski violated G.L. c. 268A, §§19 and 23(b)(3).

The Commission and Bukowski now agree to the following findings of fact and conclusions of law:

1. Bukowski had been, during the time relevant, a Town of Greenfield plumbing and gas fitting inspector. As such, he was a municipal employee as that term is defined in G.L. c. 268A, §1.
2. As plumbing and gas fitting inspector, Bukowski issued plumbing and gas permits and performed preliminary and final inspections of the work done (pursuant to the permits) to ensure compliance with the state plumbing and gas fitting code.
3. The town paid Bukowski a portion of the permit fees he collected. For the years relevant herein, Bukowski was paid \$12,371 in 1994; \$13,071 in 1993; and \$12,946 in 1992.
4. Bukowski's brother Robert Bukowski ("Robert") was, during the time relevant, a plumber who did business in the Town of Greenfield.
5. Bukowski acted as a plumbing inspector regarding his brother Robert's jobs as follows:
 - (1) September 1992, issued plumbing permit #5422 to replace a toilet at 74 Mohawk Trail;
 - (2) April 13, 1993, issued permit #5549 to correct a hot water cross connection serving 2 apartments at 8 Deven Court;
 - (3) September 1993, issued permit #5646, to replace a kitchen sink, bathroom sink, hot water heater, bathtub and steam boiler at 27 Madison Circle.

(4) October 19, 1993, issued permit #5667 to replace and vent a kitchen sink, replace a laundry tray, wash machine waste pipe and valve, a hot water heater, and bathroom sink at 82 Sanderson Street;

(5) February 2, 1994, issued permit #5755 to replace a hot water heater at 24 Church Street;

(6) July 11, 1994, issued permit #5795 to replace a kitchen sink at 19 Prentice Avenue; and

(7) August 1, 1994, issued permit #5812 to replace a toilet, kitchen sink, bathroom sink and bathtub at 106 Federal Street.

6. Bukowski conducted all the inspections in connection with the above permits.

7. Robert had a financial interest in the permits and inspections.

8. Except as otherwise permitted by that section, General Laws c. 268A, §19 prohibits a municipal employee from participating as such an employee in a particular matter in which to his knowledge a member of his immediate family has a financial interest.^{1/}

9. The decisions to issue permits and the inspection determinations were particular matters.^{2/}

10. Bukowski participated^{3/} in those particular matters by issuing the permits and performing the inspections.

11. At the time he so acted, Bukowski was aware that his brother Robert had a financial interest in these particular matters.

12. Therefore, by issuing the permits and performing the inspections as described above, Bukowski participated as a municipal employee in particular matters in which to his knowledge an immediate family member^{4/} had a financial interest, thereby violating §19.

In view of the foregoing violations of G.L. c. 268A by Bukowski, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Bukowski:

(1) that Bukowski pay to the Commission the sum of one thousand five hundred dollars (\$1,500.00) as a civil penalty for violating G. L. c. 268A §19; and

(2) that Bukowski waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: October 22, 1998

1/None of the §19 exemptions apply.

2/"Particular matter" means any judicial or other proceeding, application submission, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation to the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property. G.L. c. 268A, §1(k).

3/"Participate" means participate in agency action or in a particular matter personally and substantially as a state, county or municipal employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise. G.L. c. 268A, §1(j).

4/"Immediate family" means the employee and his spouse, and their parents, children, brothers and sisters. G.L. c. 268A, §1(e).